



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,846	12/27/2000	Mina L. McKay	YOR920000563US1/I27-0002	4804

7590 10/19/2004

Philmore H. Colburn II
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,846

Applicant(s)

MCKAY ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,16-24,26-30,33-35,42,43,56-64,66-70 and 73-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-15,25,31,32,36-41,44-55,65,71 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Non-Final Office action is responsive to Applicant's Election filed August 2, 2004.

Applicant elects Species II and asserts that claims 16-18 and 56-58 are generic to the embodiments shown in Figures 1 and 2. The Examiner respectfully disagrees. The audit reporting features recited in claims 16-18 and 56-58 are described in the specification, beginning in line 9 of page 11, as part of Species III (performing "Audit Reports" functions -- Fig. 2, #204). The Examiner asserts that the specific details of Species II (as discussed from page 10, line 10 through page 11, line 8 of the specification) are recited only in claims 2-15 and 44-55. Therefore, claims 16-18 and 56-58 are withdrawn for being directed to a non-elected species. Claims 1, 25, 31, 32, 36-41, 65, 71, and 72 are generic claims.

In summary, claims 2, 3, 16-24, 26-30, 33-35, 42, 43, 56-64, 66-70, and 73-75 stand as withdrawn.

Claims 1, 4-15, 25, 31, 32, 36-41, 44-55, 65, 71, and 72 are presented for examination.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

Art Unit: 3623

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-9, 13, 41, 44-49, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by McFarland (U.S. Patent No. 6,154,753).

McFarland discloses a method for facilitating supplier auditing functions in a communications network environment, comprising:

[Claim 1] receiving a request from a user system to initiate an activity, said activity provided by an enterprise system among a plurality of activity options (Fig. 1);

Art Unit: 3623

said enterprise system retrieving data from at least one database, said data corresponding to said activity selected (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46); and

transmitting said data to said user system (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

wherein said enterprise system includes a quality information network application for executing said activity options (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

[Claim 4] wherein said activity includes scheduling an audit by a requester (Figs. 62, 65; col. 24, lines 20-30; col. 25, lines 33-34; col. 26, lines 5-15; col. 28, lines 28-30);

[Claim 5] wherein said scheduling said audit includes:

entering supplier data into a schedule form (Figs. 62-66; col. 24, lines 25-30; col. 26, lines 16-30);

entering requester information into said schedule form (Figs. 62-66; col. 24, lines 25-30; col. 26, lines 16-30);

selecting an auditor to perform said audit (Figs. 62-67; col. 24, lines 25-30; col. 25, lines 4-34; col. 26, lines 16-30);

entering a purpose for said audit (Figs. 62-66; col. 24, lines 25-30);

entering a time frame for performing said audit (col. 24, lines 25-30 -- An audit date is input); and

distributing a completed schedule form to at least one entity (Figs. 62-66; col. 24, lines 20-30; col. 25, lines 33-34; col. 26, lines 5-15; col. 28, lines 28-30);

Art Unit: 3623

[Claim 6] wherein said distributing said completed schedule form is automatically performed by said quality information network application via a distribution list (col. 25, lines 4-34; col. 26, lines 5-15 -- Since only eligible auditors may be assigned to complete an audit, it is understood that they are part of an approved distribution list for certain audits, based on input from a requester. The distribution can be said to be performed automatically in the sense that all communications are conducted electronically while the distribution can also be viewed as performed manually in the sense that the requester selects an auditor from the list of eligible auditors);

[Claim 7] wherein said distributing said completed schedule form is manually performed by said requester via a distribution list provided by said requester (col. 25, lines 4-34; col. 26, lines 5-15 -- Since only eligible auditors may be assigned to complete an audit, it is understood that they are part of an approved distribution list for certain audits, based on input from a requester. The distribution can be said to be performed automatically in the sense that all communications are conducted electronically while the distribution can also be viewed as performed manually in the sense that the requester selects an auditor from the list of eligible auditors);

[Claim 8] wherein said requester is a divisional user (col. 26, lines 23-25);

[Claim 9] wherein said selecting said auditor by said requester includes selection criteria including:

geographic location of site to be audited (col. 25, lines 4-34);

auditing skills possessed by said auditor (col. 25, lines 4-34);

a commodity subject to said audit (col. 25, lines 4-34); and

auditor pre-qualification data (col. 25, lines 4-34);

[Claim 13] wherein said activity includes viewing a scheduled audit (col. 28, lines 28-37).

[Claims 41, 44-49, 53] Claims 41, 44-49, and 53 recite limitations already addressed by the rejection of claims 1, 4-9, and 13 above; therefore, the same rejection applies.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-12, 14, 15, 25, 31, 32, 36-40, 50-52, 54, 55, 65, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland (U.S. Patent No. 6,154,753), as applied to claims 5, 9, 13, 45, 49, and 53 above.

[Claims 10, 11] McFarland must notify an auditor to complete a scheduled audit in order to achieve actual completion of an audit (col. 26, lines 5-15). Since McFarland's communications are performed electronically, such a notification can be said to be automatic (as per claim 10). However, McFarland does not expressly teach that the auditor can confirm or reject the notice to perform an audit. Official Notice is taken that it is old and well-known in the art of project management to allow a user to accept or

Art Unit: 3623

reject a task. Furthermore, Official Notice is taken that it is old and well-known in the art of project management to select a back-up person to perform a task when a first person cannot perform it. This allows for efficient task allocation and timely task completion when a first person is not available to complete an assigned task (e.g., due to vacation, illness, etc.). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to perform the steps of receiving a response from said auditor by said requester, wherein said response is either a confirmation notice or a rejection notice (as per claim 10), wherein said requester initiates a second auditor selection, based upon receiving said rejection notice (as per claim 11) in order to facilitate efficient task allocation and timely task completion when a first person is not available to complete an assigned task (e.g., due to vacation, illness, etc.).

[Claim 12] While McFarland teaches that a date planned for an audit may be entered (col. 24, lines 24-26; col. 26, lines 5-15), McFarland does not expressly teach that a quarter planned for said audit may be entered. However, Official Notice is taken that it is old and well-known in the art to schedule audits at a given frequency in order to promote consistent monitoring of the quality of an organization. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to allow a user to enter a quarter planned for said audit in order to promote consistent monitoring of the quality of an organization of a quarterly basis.

Art Unit: 3623

[Claims 14, 15] While McFarland teach that one may view said scheduled audit by categories, said categories including completed audits (col. 28, lines 28-37) and planned audits (col. 28, lines 28-37), McFarland does not expressly provide a view for all audits (claim 14) or by supplier, region, quarter by region by commodity, year by quarter, product category, requester, auditor, organization, or site owner (claim 15). However, Official Notice is taken that it is old and well-known in the art to filter information for display based on user-specified filter conditions. The filter conditions recited in claims 14 and 15 are merely analogous to well-known filtering conventions utilized to enable a user to more quickly and easily assess a limited subset of data of interest to him/her. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to allow a user to specify various viewing conventions for audits, including a view for all audits (claim 14) or by supplier, region, quarter by region by commodity, year by quarter, product category, requester, auditor, organization, or site owner (claim 15) in order to provide the user with a convenient manner of more quickly and easily assessing a limited subset of data of interest to him/her.

[Claims 50-52, 54, 55] Claims 50-52, 54, and 55 recite limitations already addressed by the rejection of claims 10-12, 14, and 15 above; therefore, the same rejection applies.

McFarland discloses a method for facilitating supplier auditing functions in a communications network environment, comprising:

[Claim 25] receiving a request to initiate an activity, said activity provided by said second enterprise system among a plurality of activity options (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

said second enterprise system retrieving data from at least one database, said data corresponding to said activity selected (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46); and

transmitting said data to said first enterprise system (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

wherein said second enterprise system includes a quality information network application for executing said activity options (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46).

As per claims 25, 31, and 32, McFarland does not expressly teach that her system is integrated via a web site maintained by an enterprise system that authenticates a user's ID and password via a firewall or that her communications network environment includes an extranet. However, McFarland does allow for audits to be performed by external third party auditors (Fig. 7). Furthermore, Official Notice is taken that it is old and well-known in the art of inter-enterprise communications to utilize a web site (such as an Internet-based web site) maintained by an enterprise system that authenticates a user's ID and password via a firewall and a communications network

Art Unit: 3623

environment that includes an extranet in order to promote secure communications among users from different organizations. Since McFarland allows for audits to be performed by external third party auditors, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to incorporate a web site (such as an Internet-based web site) maintained by an enterprise system that authenticates a user's ID and password via a firewall and a communications network environment that includes an extranet in order to promote secure communications among users from different organizations (including external third party auditors), especially where confidential documents are concerned.

[Claims 36-40] Claims 36-40 recite limitations already addressed by the rejection of claims 25, 31, and 32 above; therefore, the same rejection applies.

Furthermore, it should be noted that the modified version of McFarland addressed in the rejection of claims 25, 31, and 32 above would necessarily incorporate a host system including a web server, an applications server, and a database server, a data storage device in communication with said host system, quality information network software application being executed by said host system, a firewall in communication with said host system, a workstation, and a computer network connecting the host system to the workstation, wherein information inputted into the workstation is transferred to the host system and made available to the quality information network software application (as per claim 36).

[Claim 37] wherein said data storage device includes:

Art Unit: 3623

a reference database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);
an audit schedule database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);
an audit reports database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);
an executive summary database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46); and
a supplier quality performance database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46).

[Claims 65, 71, 72] Claims 65, 71, and 72 recite limitations already addressed by the rejection of claims 25, 31, and 32 above; therefore, the same rejection applies.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references discuss various aspects of scheduling audits:

Key (US 2002/0029222 and Provisional Application No. 60/231,165)

Schuler et al. (U.S. Patent No. 5,855,005)

Aycock et al. (U.S. Patent No. 5,765,138)

Song et al. (US 2002/0108104)

De La Motte et al. (US 2003/0014318)

Art Unit: 3623

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Primary Examiner
Art Unit 3623
October 17, 2004